

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:21-CV-00552-FDW-SCR**

ROSARIO et al,

Plaintiffs,

v.

MAL ENTERTAINMENT, INC. et al,

Defendants.

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ORDER

THIS MATTER is before the Court on Plaintiff’s Notice of Settlement, (Doc. No. 36), filed on February 20, 2024, wherein Plaintiff asserts the parties “have reached a settlement in principle of all remaining claims asserted in this action” and requests the Court stay all pending deadlines in this matter. (Doc. No. 36, p. 1.) The Court interprets Plaintiff’s request as a Motion to Stay Proceedings. This matter is docketed for trial beginning March 4, 2024, and, although it appears the parties will finalize the settlement process, the Court finds no sufficient basis under the current record to stay deadlines or continue trial. Accordingly, the Court **DENIES** Plaintiff’s Motion to Stay Proceedings.

Counsel is hereby advised that they are expected to appear for: (1) docket call at 9:00 a.m. on March 4, 2024; (2) a pretrial conference immediately following docket call; and (3) jury selection on March 5, 2024. Of course, the parties can file a Stipulation of Dismissal at any time, including prior to docket call, at which time the Court will remove this case from the trial calendar and terminate any remaining deadlines.¹

¹ The Court notes, however, the Case Management Order in this case provides:


Whenever a civil action scheduled for a jury trial is settled or otherwise disposed of in advance of the actual trial, the Court may assess all jurors’ costs (including Marshal’s fees, mileage reimbursement, and per diem fees) equally against the parties or otherwise may determine

IT IS THEREFORE ORDERED that Plaintiff's Motion to Stay Proceedings, (Doc. No. 36), is DENIED.

TAKE NOTICE that a pretrial conference shall take place in this matter immediately following docket call on March 4, 2024, in Courtroom #5B of the Charles R. Jonas Building, and jury selection will take place with the other matters appearing on the docket for this trial term on March 5, 2024.

IT IS SO ORDERED.

Signed: February 26, 2024


Frank D. Whitney
United States District Judge

appropriate assessments, unless the Clerk's office is notified at least one (1) full business day prior to the date on which the action is scheduled for trial or the parties establish good cause why the Court should not assess jury costs against them.
(Doc. No. 28, pp. 14–15.) The stipulation of dismissal, if filed on March 1, 2024, must be filed no later than 11:00 a.m. that day to give the Clerk of Court sufficient time during the business day to advise the jurors who are selected that they need not appear for trial on March 4, 2024.